

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**May 17, 2021**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, May 17, 2021. The meeting was called to order at 5:00 p.m. by Mayor Petersen. Laisa Vega, representing Reverend Benjamin Escorcia, on behalf of the Clewiston Ministerial Association gave the invocation and the audience joined in reciting the Pledge of Allegiance.

**Commissioners Present:** Mayor Kristine Petersen, Vice Mayor Greg Thompson, Commissioner Mali Gardner, Commissioner Hillary Hyslope and Commissioner James Pittman.

**Personnel Present:** City Manager Randy Martin, City Clerk Kathy Combass, Finance Director Shari Howell, Code Enforcement Officer Debbie Clay, Police Sergeant Tom Lewis, Consulting Engineer Andy Tilton and City Attorney Gary Brandenburg. Utilities Director Danny Williams attended via telephone.

**Visitors Present:** Gloria Rosen, Kenneth Bowers, Donald Weathers, Sheriff Steve Whidden, Stephanie Busin, John and Buffie McLeod, Matt Beatty, Shawn Reed, Laura Smith, Lavonne Sherrell, Dylan Brandenburg, Laisa Vega and Jon Basquin. FMPA Representative Alan O’Heron attended via telephone.

**Additions/Deletions/Changes and Approval of the Agenda** – Manager Martin stated that there is a revised page for the March 15, 2021 Commission Meeting Minutes as there was an error in a person’s name that has been corrected; corrections were also made to some departmental reports and there is an additional report which he will explain when the departmental reports are discussed. He also stated that City Attorney Brandenburg felt the Resolution No. 2021-49 under Consent Agenda Item H needed modification. Attorney Brandenburg noted that the modifications were made only to the statutory references.

**Public Comments** – Mr. Lavonne Sherrell of Clewiston, FL came forward and requested a copy of the letter under Consent Agenda Item F. Mayor Petersen stated that the item should be available on the City’s website but that he could also contact City Hall to obtain a copy.

Hendry County Sheriff Steve Whidden of LaBelle, FL came forward and stated that he wanted to clarify some things for the public that were said at the May 3, 2021 City Commission Workshop. He stated that Commissioner Gardner felt the unnecessary need to speak false information insulting himself and his deputies at the workshop. He explained that she said that she read something about what was happening in Hendry County regarding law enforcement officers being hired and serving in our community and brought up a false newspaper article written by Devon Patel, a reporter from the Naples Daily News. He stated the reporter, who has a criminal history and has proven to have an axe to grind with law enforcement, wrote a very misleading and false article regarding his hiring practices. He stated that during the election, he had explained the article and the reason behind it but would like to verbally explain it tonight. He stated the reporter requested the personnel files of every deputy and investigator he had and went through their files and if they had any allegations made against them from either his agency or a previous place of employment, the reporter stated they had serious allegations of misconduct but then left out the investigations into the allegations and/or the findings of the allegations. He added that if the allegations were true, and if they were as bad as the reporter claimed, the FDLE would have revoked their law enforcement certifications. He stated that because Commissioner Gardner is so concerned about his hiring practices, he wanted to point out that over the years, the Clewiston Police Department has hired numerous employees from his agency and/or other agencies that were either fired for wrongdoing or because they couldn’t satisfactorily do their job to include one who was fired for police brutality. He added that if he were to go through the personnel files of the Clewiston Police Department, he would find allegations or complaints made against just about all of them including the City’s current chief and assistant chief. He stated that Commissioner Gardner also accused him of hiring Brady Cops and explained that a Brady Cop is a cop who the State Attorney feels is untrustworthy and who has been suspected of using deceitful practices. He noted that there is absolutely no due process for those officers to plea or defend their case with the

Brady letter. He also noted that one of those deputies was hired by and worked for the Clewiston Police Department for many years with this same Brady letter, which was received from a State Attorney in a different circuit. The State Attorney in our circuit reviewed his letter and determined that it was all political. The other deputy received a Brady letter from the State Attorney which said we can't say you lied but we believe you made a bad decision. He stated for the record, in his 13 years as sheriff, he has never campaigned for the sheriff's office to police the City of Clewiston or takeover the Clewiston Police Department, however, after seeing what has been done and what has not been done here at the Police Department for the last few years, he'd do it in a heartbeat because the citizens of Clewiston deserve a lot better than what they have been getting. He stated that he does not know the cause of Commissioner Gardner's attack on May 3, maybe she was once again protecting her agency, he always looked to her as a friend but he is afraid that she has been severely poisoned by the top two in command at the Police Department. He expressed that he feels her comments last week were severely out of line as she attempted to discredit the fine men and women who serve this community, the men and women who put their life on the line to protect you. He stated he feels she also attempted to smear the Hendry County Sheriff's Office and owes his deputies an apology; his deputies have no secrets.

Commissioner Gardner stated for the record that she did not accuse anybody; she asked the questions and stated the facts. She noted that Sheriff Whidden's chief deputy confirmed those facts. She stated that he is accusing her of several things that did not happen that night. She expressed that she appreciates the service of Sheriff Whidden and the other men and women who serve in law enforcement but stated that facts don't need to be hidden. Sheriff Whidden stated that they are not facts. Commissioner Gardner then asked Sheriff Whidden if he had asked for a retraction of the article and Sheriff Whidden's response was that he would not get a retraction as he had been down that road before. Mayor Petersen stated that she feels this is not the best venue for that discussion and asked the two of them to work it out. Commissioner Gardner agreed that this may not be the venue, but stated that she feels Sheriff Whidden is trying to intimidate her from doing her job asking for the facts. Sheriff Whidden stated that he is trying to set the record straight. Mayor Petersen stated that she has been very direct and encouraged both of them to sit down together and solve the issue. Commissioner Gardner stated that she believes law enforcement is held to a high standard, there are questions that have not been answered and Sheriff Whidden disparaged her by accusing her of saying things that she did not state. Sheriff Whidden stated that he believes the Commissioners are held to a higher standard and Commissioner Gardner disparaged him, his deputies and his agency. Attorney Brandenburg stated that it is clear that these agencies work better together when they are not getting involved in issues that are driven by things that are perhaps beyond the best interest of the community and suggested this conversation come to an end.

## 1. Consent Agenda

- A. *City Commission Meeting Minutes – March 15, 2021*
- B. *City Commission Meeting Minutes – April 19, 2021*
- C. *Special City Commission Meeting Minutes – May 3, 2021*
- D. *City Commission Workshop Minutes – May 3, 2021*
- E. *Proclamation – Community Action Month – May 2021*
- F. *Letter to U.S. Army Corps of Engineers re LOSOM*
- G. *Resolution No. 2021-48 - Library Advisory Board Appointment – Cathy Metz*
- H. *Resolution No. 2021-49 - Budget Amendments*
- I. *Resolution No. 2021-50 – Conductor Power, LLC Change Order No. 002*
- J. *Resolution No. 2021-51 – Final Payment to Conductor Power, LLC*
- K. *Resolution No. 2021-52 – FDOT State Highway Lighting Maintenance, and Compensation Agreement Work Order*
- L. *Resolution No. 2021-53 – FDEP Standard Grant Agreement*

Commissioner Gardner requested that Consent Agenda Item D be pulled from the Consent Agenda and requested that City Manager Martin and City Clerk Combass review the recording of that meeting and bring back the minutes that incorporate what was discussed at that meeting.

Mayor Petersen announced that this meeting is being recorded but it had been reported to her that Facebook is having an issue with the livestream.

Commissioner Pittman asked for an explanation on Consent Agenda Item L. Manager Martin explained that the state agreement is for a stormwater grant which will help with the stormwater planning on two City properties that are located at Trinidad and San Benito and another Ventura

parcel where we will use these funds to design and construct storm water retention areas on those properties. He added that once the project is bid, we will bring a recommendation to contract to the Commission for formal approval at which time Consulting Engineer Andy Tilton will have completed the design. Engineer Tilton stated that this money will help do another portion of the overall East Ventura Project that went beyond the drainage capabilities to get it worked into the FDOT grant for the resurfacing.

**Commissioner Pittman made a motion, seconded by Commissioner Hyslope, to approve the Consent Agenda minus Consent Item D. Vote 5 yeas, 0 nays**

Before the vote, it was clarified that the motion includes the revised versions of the March 15, 2021 Commission Meeting Minutes and Resolution No. 2021-49.

**PENSION UPDATE** – Gloria Rosen, Pension Advisor – Ms. Rosen reviewed the update on the City’s Defined Benefit Pension Plan with Securian Financial. She stated the valuation was \$13,098,500.98 for the period from 10/1/2019 to 9/30/2020 and was \$14,813,689.60 for the period from 10/1/2020 to 3/31/2021. She then noted the balance was \$15,089,786.93 as of 5/13/2021 and was \$15,313,317.98 the next day on 5/14/2021.

## **RESOLUTIONS**

2. **Resolution No. 2021-54** – Resolution No. 2021-54 approves the plat of Clewiston Commerce Park, Addition 1.

Mayor Petersen summarized and read Resolution No. 2021-54 by title.

**Commissioner Hyslope made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-54. Vote 5 yeas, 0 nays**

3. **Resolution No. 2021-55** – Resolution No. 2021-55 approves the Lineworker Safety Program Participation Agreement between the Florida Municipal Power Agency and the City of Clewiston.

Mayor Petersen summarized and read Resolution No. 2021-55 by title.

**Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-55. Vote 5 yeas, 0 nays**

Before the vote, Manager Martin noted that FMPA Representative Alan O’Heron and Utilities Director Danny Williams were on the phone if there were any questions.

## **MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

4. **Old Business** – City Manager Memo regarding Personnel Policy Updates, Department Revenue Collection Points/Procedures and Police Department Policy/Procedures Review.

Manager Martin apologized to the Commission for the late report from Animal Control. He stated that he had hoped to have their final updated report generated by their new software in the agenda today but they weren’t able to complete it in time. He then reviewed the process for the collection of animal control fees and confirmed the process will immediately go into effect tomorrow. He also confirmed that appropriate signage will be posted.

Vice Mayor Thompson stated that as he stated at the May 3, 2021 workshop, he was going to make a motion at the next meeting for FDLE to review and audit the Police Department due to the way certain cases were handled. He stated that since both agencies are represented in the room tonight, he asked them to let him know if he says anything that is incorrect or jeopardizes any case in any way. He conveyed that on or about February 11, 2021, the Clewiston Police Department was notified by Internet Crimes Against Children (ICAC), a national task force that watches the internet for people observing child pornography. Mayor Petersen interrupted and asked Manager Martin if there was an internal investigation going on in reference to the case that Vice Mayor Thompson was referencing. Manager Martin

stated that there is no internal investigation at this time. Attorney Brandenburg stated that whether or not there is an internal or criminal investigation is ongoing, this is a confidential matter and should not be discussed in public. This is not something that the City would want published whether or not you are investigating someone; whether or not an investigation is complete; whether it is ongoing or any details of it, because depending on the investigation itself, those facts may give the people that are involved a clue as to what is going on or what is not going on so the discussion of these investigations in public is not a good policy for any Commissioners or any public bodies to really embrace. Vice Mayor Thompson stated that he respected that but he had previously asked for a shade meeting to discuss these issues with the police department and was told that it didn't meet the criteria. Attorney Brandenburg stated that the Commission cannot have shade meetings in the State of Florida unless it is involving ongoing litigation or in some very limited instances, collective bargaining cases.

**Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, for the Commission to request the Florida Department of Law Enforcement to come in and investigate the issues with the child pornography, misfeasance and/or malfeasance in that case, the school paddling and to come in and audit the City's Police Department for the last twenty-four months. Vote 2 yeas, 3 nays (Mayor Petersen, Commissioner Gardner and Commissioner Hyslope voted nay.)**

Before the vote, Vice Mayor Thompson stated that he wished he could explain in more detail but he is unable to in this public venue. He also stated that he feels it is FDLE's job and is the right avenue to take in his view.

Mayor Petersen expressed that she is not in support of the FDLE investigation. She knows Manager Martin is poised to install an interim police chief and feels that is where we should start; the interim chief will independently review those things that are a concern and bring a recommendation forward. She explained that when FDLE does an investigation, it is all the men and women of the department, the Commission and how Vice Mayor Thompson received his information. She wants to put her faith right out of the gate in whoever is selected as that interim police chief and allow them to have the opportunity to look back in retrospect because not only will that independently give an outlook but it will also give that interim chief the opportunity to unearth whatever needs to be unearthed to fix things moving forward. Vice Mayor Thompson stated that is what FDLE does, they are unbiased professionals that have long reaching arms and there are consequences to their findings. He stated that he does not understand why any of the Commissioners do not want to shed light on anything that may have been harmful to our community. He added that we are all fiduciaries who are people or an organization that acts on behalf of another person or persons by putting their citizens' interest ahead of their own with a duty to preserve good faith and trust; being a fiduciary thus requires being bound both legally and ethically to act in. It is not about us, it's about the people that elected us to do a job. He stated that he feels Sheriff Whidden was right; Clewiston deserves better than what they have been getting and he wants to make sure they get it. He asked if we are going to cover it up and brush it under the rug. Mayor Petersen stated that it is her position that moving forward means having an interim chief who will make that recommendation who will be on board so that we know that is an open book. Commissioner Hyslope stated that after speaking with people from the Hendry County Sheriff's Office, the Clewiston Police Department and others, she feels it would be in the department's best interest for a new interim chief to try to figure out. Vice Mayor Thompson asked what accountability can an interim chief hold to people that are already gone. Commissioner Hyslope stated that she feels if any laws were broken, a good interim chief will say that FDLE needs to come in to look at this. Vice Mayor Thompson stated that FDLE is the only entity that investigates law enforcement.

Commissioner Gardner stated that at the May 3, 2021 Commission Workshop, Vice Mayor Thompson revealed a lot of information that she was very concerned about and does not know how he received that information. She stated that she believes there has been some violations of how Vice Mayor Thompson received the information and what he used the information for. Attorney Brandenburg stated that the only item before the Commission right now is approval of the minutes of that meeting so the Commission should entertain motions with regard to changing the way the minutes are read. Commissioner Gardner clarified that she did ask for clarification of the minutes and explained that this is under old business which is why she brought it up as a follow up item. She stated that if needed, she will wait for the

minutes before she makes a motion for an investigation in regards to Vice Mayor Thompson's actions as she is appalled at what he said in a public meeting specifically about her. Mayor Petersen stated that we will wait for those minutes to be transcribed more thoroughly. Attorney Brandenburg agreed.

**5. Departmental Monthly Activity Reports - Presented for information only.**

**Comments from City Manager - none**

**Comments from City Attorney** – Attorney Brandenburg stated that they have been working with Quanta, the City's consultant, on the AMI contractual agreement which will be presented to the Commission soon. He noted the agreement is complicated and the Commission will need to pay close attention to detail when it is presented. He expressed that he was thankful that the City had the foresight to hire Quanta and have FMPA as a resource to help us through preparation of the document.

**Comments from the City Commission** – Vice Mayor Thompson expressed his disappointment with the Commission regarding his request for the FDLE investigation.

Commissioner Pittman stated that, for safety reasons, he appreciates the change in the process for the collection of payments at Animal Control and noted that it is his intention that Animal Control never receive any payments; all payments should be received by the police department. Manager Martin confirmed that is the plan and it is effective tomorrow. Commissioner Pittman then expressed that, also for safety reasons, he would like the Animal Control officers to call in on the police radio so that it was recorded when they reported for work or went on a call as they used to. Mayor Petersen agreed. Sergeant Lewis agreed to look into it and stated that he feels the main channel could be used as the traffic is very low. Manager Martin stated that we will communicate directly with the department and this might be another interim policy that we will address with the interim chief as well. Commissioner Pittman expressed that he did not want to wait and Manager Martin agreed to go ahead and review it. Vice Mayor Thompson added he feels we should not have to talk about a policy; it should be done, as he feels it is very unsafe for someone to be out there without a radio. Manager Martin noted that cell phones are more reliable than radios in some areas served by the department. Commissioner Pittman then recommended that the open animal control position be frozen as there has been a lot of overtime and there is still five months left in the budget. Manager Martin stated that his biggest concern is the condition of the facility and if we are adequately meeting the needs of the animals. He reported that the position has been frozen since January; he thinks that any budgetary consideration has probably been resolved. He expressed that he is ready to proceed to fill it but noted that it will take a while to advertise and get it filled which should further help the budget. Commissioner Pittman stated that he was okay with that if Manager Martin feels it should be filled but would like to get a detailed report. Manager Martin agreed to follow up with more information. Commissioner Pittman stated that at the last meeting, he asked for Animal Control's hours of operation and fees for services because the money received over the last few months is not uniform. Manager Martin explained the reason is there are different fee schedules for the City and the County. He noted that is one of the items they are going to be looking at in cooperation with the County in updating the interlocal agreement to have consistency so the animal control staff do not have to keep up with two fee schedules. He agreed to share more information during the budget discussions. Commissioner Pittman next requested the Commission to consider requiring the new Police Chief to live within a certain radius of the City. Commissioner Gardner requested Manager Martin to provide the Commission with a job description for the Police Chief. Manager Martin noted the current job description is out of date and stated that he would be happy to provide it once it has been updated.

Commissioner Hyslope asked if it was possible to get a budget summary each meeting with Manager Martin's opinion on where the City stands budget wise. Manager Martin stated that he would be glad to have a session on the budget process with her as a new Commission member as well as anyone else that wants to review it. He has contemplated doing a quarterly assessment. Commissioner Hyslope then questioned if the number of hours picking up palm fronds in the public works activity report were normal. Manager Martin noted that a lot of trees have been added and that the report is more comprehensive of all the streets we have. Commissioner Hyslope then asked how the public works department hours for repairs to the pro shop and country club are allocated. Manager Martin explained that it is similar to the process utilized for every building in all of the departments. As an example, he cited that the Public Works

Department replaced two doors, put in a new air conditioner unit, replaced two windows and a couple of other minor items at the golf course but that is not the case every month. However, by contrast, such activities are pretty regular in other departments. He stated that there is a cost allocation process done through the finance department that could be explained during the budget process but all of those funds come out of the general fund. He then confirmed that Director Scheffler is currently covering the Public Works and Recreation departments.

Commissioner Gardner stated that since she was not able to ask her questions directly, she would like to have some questions answered via letter from the City to the Sheriff and the Sheriff's Department. She stated that she would like to know how long does it take for a public records request to be honored by the Sheriff's Department. She requested from the Sheriff's Department the same UCR annual report that the Commission received from the Police Department on March 15, 2021. A copy of the March 15 report could be sent with the letter as a comparison. She then expressed her concern with actions that happen outside the City limits and how they impact our community. She asked how can the Sheriff's Department have weeks of notice on an event outside the city limits but there is not enough law enforcement to handle some of that activity yet in three days a curfew was issued and Armageddon was brought to the city on another event. She then requested a copy of all the lawsuits that have been settled or dismissed under Sheriff Whidden's tenure as she is curious to know what the Hendry County taxpayers have paid out. She then stated that she would like to know if Sheriff Whidden is going to restore the joint access to the Hendry County database that was removed. Sheriff Whidden stated that he would like to go ahead and address the questions on record. Commissioner Gardner stated that her request is that the City prepare a letter to have those five questions answered. Sheriff Whidden stated that he will also write a letter and if they are going to get into this banter, he will also have some questions of his own. Mayor Petersen recommended that in moving forward, all of those things be done in writing between the parties rather than the public forum. Sheriff Whidden stated that he just wanted it to be public. Mayor Petersen stated that she understands and it will all be public record.

Commissioner Gardner stated that there were a lot of things that have been brought up that were brought up on the campaign trail. She will wait until the next Commission meeting to address those discussions and concerns she heard on the campaign trail.

Commissioner Pittman inquired about non-employees riding in City vehicles. Manager Martin stated that he has not addressed that yet but will get a response to that.

Mayor Petersen encouraged everyone to remember why they wanted to put themselves in this position. She stated that she is going to work with everybody because her neighbors trusted her to be here. She does not do anything self-seeking and is not going to do anything to the detriment of the Commission or the City. She urged everyone to remember the important ones that we need to look out for are the people that come to work at all of our agencies every day.

## **Adjournment**

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to adjourn the meeting at 6:00 p.m. The motion was approved unanimously.**

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Kristine Petersen, Mayor

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Mary K. Combass, City Clerk